

Agency Information

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FORD, GERALD R.
KISSINGER, HENRY A.
COLBY, WILLIAM E.
CIA
CHURCH COMMITTEE
SCOWCROFT, BRENT
ASSASSINATIONS, FOREIGN LEADERS
BUCHEN, PHILIP

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P/Intelligence Wty
 (Wty underway) (K, Sbs, Lynn, Brink, 13 Oct 75
 March, Kinnigfield)

S (Argued that Atty Govt should not oppose ~~the~~ NSA
 surveillance.)

P In a case of [redacted]

[redacted] sign each one. For NSA, you would sign
 a general one that it is within a law.

L Yes, but I think it should be periodically reviewed.

S Question is whether Atty Govt should rule on
 surveillance [redacted] does an

estate of Atty Gen's relying on overseas surveillance.

C The technology is advancing so fast that phone
 calls could be routed overseas for call b/w Wash & Rich.

L 2nd circuit has held that overreaching on Com. abroad
 is a violation.

R I would think we would want Atty Govt involved
 in periodic review so he would know what might
 come up in a paper.

S The article in a paper today results from Pres. inutho.
 directed papers.

K What is in a paper today results from us during
 vast quantities of material are sent. The paper
 has got and we have known Egyptian code -
 it has been blown. I think rather than just say
 a law is passed we should try to elaborate - controls
 the entities of a world & do not security needs.

L Once today, controls are moving, but in a
 wrong direction. We may as well a statute that
 in honest to god about our practices as we
 keep them case

P I think trying to get a statute would be a disaster.

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in today's environment. Maybe a start in a year or so, but now will just have to use guidelines.

K Does Ed want to appear very NSA open.

L I think we have to have some guidelines, perhaps as go of incident US traffic overheard.

S ~~Don~~ We can work out guidelines. I am worried about a Catty book bring the biggest intel piece future progress.

P have been State, Dep, CIA draw up pc guidelines and then review it w/ Catty group.

B Church is ready on assat report. They will let us review a document for security & sensitivity, but not on a merits one case. We don't want to get you in position of say, for a report. They won't let us edit it or approve it.

P I guess it's material on how they would handle it as carefully as we have

Sc If they publish a report at all it is irresponsible.

K If those things get put out, senior officials will stop speaking frankly and foreign govt will wonder about their ability to work w/ us confidentially.

P I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in assat is a FO disaster

P I would assume they have right to withhold any of this.

L There is no legal way we can prevent it.

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P: I don't know what the letters of transmittal were, but I said they had to handle these certain documents as we had - and we released none.

M: Once they have a document, a speech & debate clause means there is no way we can prevent its release.

K: The new element in this investigation is the timing aspect of documents. During the Earthy, etc, there was testimony, but it did not involve all documents involved.

(More discussion on this point joint)

P: The Earth was warned on certain data

B: We agreed that we would object to any report but that we would review ~~the~~ document for most damaging quotations. It was apparent that we wouldn't get a vote in - wrote not to publish a report.

M: The Earth has suggested not to pass over a bunch of quotations. We refused to do that except in context.

P: I think we should review it and then say it is not in our interest to release it at all.

Sc: We can send any letter we want following a review.

P: I think we should review w/a tough eye and then say the document shouldn't be released, but if they determined, item some areas are more damaging than others.

K: I think we have a profound constitutional issue with it. I think we have to form + establish firm fences around the Web...as a country have established themselves their opinions.

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B. All we are fighting is official representation of material which is already widely known. This is not a good issue on which to go to court.

P. I don't want to be any part of their publishing material like this. If they want to do that, it's their responsibility.

B. That is position we have taken.

P. We have to say very strongly we oppose except that there are some more damaging than others.

M. Let's get to the other issues.

C. Edwards is reviewing a lot of over preliminary council w/a view to making them protectionist. They do not go into sensitive current ops. One of these is Cuba, w/ a possible threat to Kara; Congo, w/ threat to Rhodesia, Laos, Indonesia, Chile.

Pete wants to get into Portugal & Angola. We ^{want} I think have control of Portugal. We ~~have~~ ^{want} Pete & Mc Gregor on Angola. I think we do but he has 2 questions - was a decision making really seriously done. The other is ~~is~~ the other Angolan meets protectionist presentation & a neutral country.

P. I think in my interest they should stay away from current ops.

R. If any. Conte has right to protection & pro-enterprise, we are in another higher situation.

C. The same problem of protectionist. They have asked

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for all records from station of Port Gran, Brazil
ITT & ... If we acknowledge relationship, we will
kill this important capability to place agents & get
easy. We would people working & write only areas
where they may be a question of infringement.

K. We will have a monumental job getting any inquiry to
stop w/ us w/o a fight.

C. True, but if an allegation of infringement, we can't say
we defend that.

M. H. (There was discussion of a Argentin issue)

M. H. (You are next.)
K. There is one issue apparently peculiar to State-
... permitting junior personnel to testify as to policy
... formulation. The danger is that junior staff
... use this to get at their senior who informed them of
... fact & therefore harass them for disclosure
... they much. To do otherwise would wreck F. S.
... This to me is a question of absolute principle. It is
... like the South against ^{the} right against themselves.

L. Before we get into this on another, I think we should
... go thru the Bryant letter & remove those parts which
... do contain names or policy. The entire has a
... strong special character & I think it is wrong to
... disclose ourselves. If it is going into litigation, I think
... we should see if we cannot sanitize a document.

K. The basic point of dissent tomorrow to form a embryony
... in Atkins had a predecision for a front & this didn't
... ~~exist~~ within its own effects.

S. Seems to me you are denying there is a principle
... involved - that is, a right of junior officers to get

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...to a Secy w/o fear of being exposed.

L. You have a strong public position now, but I think it will wither when the latter becomes known, because 90% of a document is a statement of fact.

Hypoth: The question is not one of import - it is longer import to let it happen - but what is a legal handle on it.
There I think we are weak.

S: State is dry. To the interior, where c. bureaus in addition
w/ Cen. Com. atypic c. Seg.

R: I am concerned about - integrity of E.S. It took
over 15 yrs. to recover from the Earth.

P. If Boyall was my true testifying what his past day by day, what would you say?

K: 2D have one prob.

There is no short stat & def have performed
portion, but I trying to preserve it for you & that
means a large one can catch it.

P: There are 2 issues; one is the sanctity of a dissent channel & ~~someday~~ cattle is testifying as to a fact. Hwy says a latter is acceptable. W/H having made a move, I would say we strengthen our case if we cut out all those material in a witness.

h. I think it is forced to imagine this case
into what you want it to be. When a document
gets printed in a paper I think you will
wonder whether this is a case or which to make
a case.

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might agree to release

P From lawyer's point of view, what do you recommend.

L Review of a document to decide position & consistency month + give a ~~date~~ what is best, if there is ~~conservative~~ alternative. There are in a strong position to defend c issue

K What is your position about junior officers testifying on opinions

L & I don't know - Don't know how you can hold it.

R You have to defend that on political not legal ground.

P I think we have a defensible position if we send a ~~lawyer~~ say a junior officer w/ a division of testimony.

M I agree w/ Harry's position ~~w/ respect to~~ w/ respect to oversight cont'd. But this is a special cont'd + circumstance

P I think we want a confrontation where we know the facts we can win. We ought to find a case which will give us lots of that. How we handle this case ^{right} has to fall within those parameters. On witnesses I think we can ~~negotiate~~ work + should stand. One more, I think we should take a look at

K Two FSO's have written letters, as have identified people like George Kinsman, etc.

P Let's see if we can synthesize fact from diverse

R Except from your intuition + dissent principle.

Many dissents are base based on a ~~suspicion~~ assumption that they didn't know the facts.
(over)

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David Harwood regarding the document by
providing a summary fit?

K Right back.

R That I would do only in context of saying
these are all contrary views expressed to
me.

P Let's look at all three options & see where we
go.

R If I am asked to do it, I'll do it, but I
think this is a profound issue of foreign
policy & a foreign terrorist. We are attacking
to a certain finish & agreeing with one
part.

P But entanglement if you get a bad case
& lose it, you have done ^{a lot of} damage

R That is true.

P I think we can confront them & win if
we know the right case.

R I think we better off w/ a patched up situation
than a big alienance / that amounts.

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